

Laboratory Accreditation as a Component of the Help America Vote Act of 2002

Public Law 107-252, the Help America Vote Act of 2002 (HAVA), requires that the National Institute of Standards and Technology (NIST) conduct an evaluation of independent, non-Federal laboratories not later than six months after the Election Assistance Commission (EAC) first adopts voting system guidelines. The law also requires that NIST submit a list of accredited laboratories to the EAC for recognition.

NIST is moving forward to implement our laboratory evaluation obligations under HAVA on a timely basis. We are working closely with the EAC, laboratories, vendors, states and election officials to ensure that there will be minimal disruption to state and local election officials during the transition from the current Independent Testing Authority (ITA) program to the HAVA-mandated program, which will operate under EAC oversight.

NIST will carry out its laboratory evaluation responsibilities under HAVA through the National Voluntary Laboratory Accreditation Program (NVLAP), which is administered by NIST. NVLAP is a well-established laboratory accreditation program that is recognized both nationally and internationally. NVLAP accreditation criteria are codified in the Code of Federal Regulations (CFR, Title 15, Part 285). Prospective accreditation criteria applicable to Voting System Testing Laboratories (VSTL) are in NIST Handbook 150, *NVLAP Procedures and General Requirements*; ISO/IEC International Standards 17025, *General requirements for the competence of testing and calibration laboratories*; the 2002 Voting System Standards; and any other criteria deemed necessary by the EAC.

Under NVLAP laboratory accreditation procedures, an applicant laboratory submits an application for accreditation, undergoes an on-site assessment, responds to any findings of nonconformities, and participates in appropriate inter-laboratory testing. NVLAP reviews all assessment information, makes the accreditation decision, and makes a public announcement of accreditation. In the case of the VSTL accreditation program, NVLAP will inform the EAC of accreditations per Section 231 of HAVA.

NIST issued a Federal Register notice on June 23, 2004 announcing the establishment of an accreditation program for voting system testing laboratories under NVLAP procedures. On August 17, 2004, NVLAP conducted a workshop on laboratory accreditation at NIST's Gaithersburg campus. The workshop covered the current NASED accreditation program, the 2002 Voting System Standards, and the NVLAP program and procedures. Comments and questions were solicited from participants, who numbered more than 30 persons, representing the EAC, NASED, vendors, laboratories, and states. Materials distributed during the workshop are available from NVLAP and a full web cast archive can be viewed at <http://www.eastbaymedia.com/NVLAPworkshop>.

Briefings on the NVLAP program have also been provided to NASED and the National Association of Secretaries of State (NASS), most recently earlier this month in Washington, D.C.

NVLAP will begin accepting applications for VSTL accreditation in April 2005, at which time the test laboratory accreditation process will begin the transition from the National Association of State Election Directors (NASED), which has performed this work since early 1992. NASED's role is described in the Federal Election Commission "Voting Systems Performance and Test Standards: An Overview" and is available at http://www.eac.gov/election_resources/vss.html.

NVLAP will provide initial accreditation of voting systems testing laboratories to ensure that they meet the stated criteria. Laboratories seeking accreditation must submit an application that includes a description of their quality management system, facilities and staff qualifications in relation to the relevant standards. NVLAP will examine the applicant's ability to test systems using the voting system standards specified in HAVA, based on their written documentation and one or more on-site visits to their facilities by a team of peer technical experts. Laboratories that are granted NVLAP accreditation will be recommended by the Director of NIST to the EAC for designation as approved voting system testing laboratories. Once accredited, NVLAP procedures require that laboratories undergo continued surveillance with regularly scheduled assessments and onsite evaluations to maintain accreditation.

NIST and the EAC are working on a transition plan that will include the grandfathering of existing NASED-accredited ITAs through June 2008. Concurrently, NVLAP will proceed with the assessment and evaluation of all applicant VSTLs and will grant accreditation when all NVLAP criteria have been met. Any VSTL wishing conduct testing under HAVA after June 2008 must be accredited by NVLAP and approved by the EAC by that time. Accredited laboratories that perform related but non-voting system tests may also be considered for EAC approval. This list would include electromagnetic compatibility test laboratories, environmental laboratories (temperature, humidity, and vibration), cryptographic module test laboratories, acoustics laboratories, etc. The EAC will maintain a register of qualified laboratories to help vendors and election officials identify resources to fulfill system testing requirements.

In summary:

- NVLAP is moving forward to develop and offer an accreditation program in April 2005.
- The NVLAP accreditation program will be modified as appropriate as new standards and requirements are developed.
- NIST and the EAC are working to develop the details of a transition plan that will provide the election community with an uninterrupted process for accrediting voting system laboratories.